

Australian Capital Territory

# Corrections Management (AMC Detainee Classification) Policy 2012

Notifiable instrument NI2012–299

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

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## **1 Name of instrument**

This instrument is the *Corrections Management (AMC Detainee Classification) Policy 2012*.

## **2 Commencement**

This instrument commences on the day after it is notified.

## **3 Policy**

I make the

AMC DETAINEE CLASSIFICATION POLICY

to facilitate the effective and efficient management of correctional services.

## **4 Revocation**

This instrument revokes notifiable instrument NI2010-289.

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Executive Director  
ACT Corrective Services  
8 June 2012

**ACT Corrective Services  
Alexander Maconochie Centre**

**AMC DETAINEE CLASSIFICATION POLICY**

<b>Purpose</b>	<b>1</b>
<b>Authority</b>	<b>1</b>
<b>Policy</b>	<b>1</b>
Principles	1
<b>Security Classifications</b>	<b>2</b>
Maximum security:	2
Medium security:	3
Minimum Security (1, 2 and 3):	3
Escapee	4
<b>Admission and placement</b>	<b>4</b>
Entry or return to custody	4
Accommodation security	4
Separation remand and sentenced detainees	5
Placement determinations	5
Higher risk detainees	5
Fine defaulters	5
<b>Sentence Planning Group</b>	<b>5</b>
Purpose and composition	5
Sitting schedule	6
Classification review	6
Documentation and information requirements	6
SPG meeting process	6
Absence of detainee	6
Recommendation criteria	7
<b>Security Classification Approvals</b>	<b>7</b>
<b>Detainee right of appeal against security classification determination</b>	<b>8</b>
<b>Forms and templates</b>	<b>8</b>
<b>Related policies and procedures</b>	<b>8</b>

**Purpose**

To establish the detainee classification policy.

**Authority**

Legislation

*Corrections Management Act 2007* sections 14 and 80.

**Policy**

**Principles**

Detainees in the custody of ACT Corrective Services will receive within 14 days of admission a security classification based upon risks posed to security, good order and the safety of the detainee, staff, other detainees, visitors to the centre and the public.

Security classification will be determined at the lowest level that is judged to be appropriate in effectively managing risk.

Male and female detainees are subject to the same system of security classification notwithstanding gender based differences in the nature and level of risk likely to be posed.

The placement decision made following admission to custody will be reviewed within 21 days by the Sentence Planning Group and a determination of security classification made in accordance with established delegations and procedures. The security classification will be subsequently reviewed at intervals appropriate to the sentence length and case plan milestones but in any event will be reviewed at least annually.

Security classification reviews and recommendations will be made by a Sentence Planning Group including the Area Manager, a case manager and a classification and case management co-ordinator. Inmates subject to review will be able to participate in this process.

Classification decisions will be made by the centre Superintendent or, in specified instances, by the Executive Director.

Detainees will be promptly notified of security classification determinations and will have the right to submit a written appeal to have the decision reviewed. Grounds for review may include new information with potential to materially alter the original decision, or the original decision is in error by being inconsistent with the available facts and evidence.

Factors taken into account in determining security classification include, but are not necessarily confined to, the following:

- The nature and severity of charges being faced or of which the detainee has been convicted
- Severity of the sentence
- Offending history of the detainee
- Escape history
- Breaches of court imposed orders (including parole)
- Institutional disciplinary record and stability
- Internal or external intelligence available
- Motivation to address offending behaviour

## **Security Classifications**

### **Maximum security:**

The highest level of security requiring placement that provides for a secure cell within a secure accommodation building and confinement within a secure perimeter.

Detainees assessed at this level may be subject to special individually determined management plans designed to manage the nature and level of risks involved. Special arrangements may be required if it is necessary to escort the detainee from the centre.

The security classification Maximum security is reserved for those detainees assessed as posing an especially high level of risk plus any detainee convicted of or facing a charge of murder, or with a sentence with a non parole period of ten years or greater.

### **Medium security:**

This next level of security mandates a physical environment similar to that of maximum security; that is a secure cell within a secure accommodation building and confinement within a secure perimeter. However, a medium security detainee will not usually require an individual special management plan, as is the case for a maximum security detainee. Medium security will be the normal classification determined for new receptions to custody, in the absence of especially high levels of risk being identified, and will also be available as progression for maximum security detainees demonstrating a reduced level of risk.

Females classified to maximum and medium security will be placed in more domestic like accommodation than that provided for males, although more challenging behaviours and/or higher levels of risk may necessitate a locked room restricting access to common areas unless directly supervised by staff. The secure cottage accommodation building is protected by the secure perimeter.

### **Minimum Security (1, 2 and 3):**

There are three levels of minimum security classification denoting different levels of risk. The first, Minimum 1, indicates a lower level of risk than that posed in medium security and is characterised by placement in a more domestic like accommodation building offering unrestricted access to common areas without the necessity for direct staff supervision. The accommodation building, currently cottage style, provides a reasonable level of physical security and is protected by the secure perimeter.

Detainees classified to Minimum security 1 are subject to a less restrictive regime than that of medium security detainees but require continuing immediate staff supervision on any occasion when required to be external to the secure perimeter. Minimum 1 detainees are not eligible to participate in external programs such as Work Release.

NB: A detainee must have a determinate sentence to be eligible for progression to a minimum security level lower than Minimum 1.

Minimum Security 2 denotes an assessed lower level of risk than that assessed for Minimum Security 1 and allows for reduced staff supervision. A detainee classified to Minimum Security 2 continues to be contained within a secure cottage style accommodation building within the secure perimeter but may be permitted to be external to the perimeter for work or program reasons without immediate and continuing staff supervision. Staff must be able to account for a Minimum Security 2 detainee external to the perimeter at frequent intervals and no less frequently than hourly.

Minimum Security 3 represents a further progression below Minimum 2 and is the lowest level of security classification. This classification must be achieved before a detainee can be eligible for placement externally to the secure perimeter or allowed to participate in any form of external leave or conditional release program. Detainees being considered for the Transitional Release Centre must achieve a Minimum 3 classification and be processed in accordance with the *Transitional Release Centre Policy and Procedures*.

## **Escapee**

A detainee with a history of escaping from lawful custody will have an additional classification of **E** denoting 'escapee'. There are three grades of E – E1, E2, and E3 applied. E1 denotes either an assessed significant level of risk of escape or a need for further assessment to take place before considering reducing the classification. A detainee classified E1 may not progress below Medium Security.

E2 denotes a reduced level of risk and will allow a Minimum 1 security rating. An E2 detainee is not eligible to participate in external unsupervised programs.

E3 denotes a low level of risk commensurate with being suitable for Minimum Security 2 or 3 and participation in external leave programs.

Reductions in E classifications will occur through the passage of time, good behaviour, attitude and the absence of intelligence information suggesting a retained level of risk.

In the case of a detainee serving an indeterminate sentence, a sentence with a non-parole period of ten years or greater, or having been convicted of murder, may only have his or her E classification reduced with the approval of the Executive Director. In other instances the authority rests with the Superintendent of the AMC.

The accommodation building requirement for males and females, associated with the different security classifications, reflects the gender based differences in the nature and levels of risk typically posed by women in custody.

## **Admission and placement**

### **Entry or return to custody**

New custody, or a return to custody after a court appearance, requires a placement determination that will take into account a range of factors in addition to security risks; such as medical/psychiatric needs, protection or non association requirements, self harm likelihood and accommodation availability.

The process of collecting and analysing information and documentation relevant to making sound risk management placement decisions commences at the court or police custody stages and additional information needed is sought and obtained from the detainee, from correctional records and via assessments commenced at admission. A sentence, or an additional sentence or charges, necessitates a review of the security classification that existed prior to the court appearance.

### **Accommodation security**

Although it may be necessary for a range of reasons to hold a detainee in accommodation at a higher security level than the security classification determined for him or her, such as his or her classification being under review of a shortage of accommodation, a detainee should not be held in accommodation at a lower security rating than has been determined (or provisionally determined at admission). An exception to this requirement can be made in instances of there being insufficient beds available to accommodate new admissions at the appropriate level of security.

The Superintendent, following recommendation from an Area Manager, may approve the provisional placement of a Medium Security detainee in cottage accommodation for a period of up to 28 days in order to relieve the medium/maximum bed shortage. A detainee recommended for such placement will have demonstrated good behaviour, compliance with his or her case plan; no positive drug urine tests within an appropriate period of time and generally poses a security and association risk appropriate to cottage placement. At the expiration of this period the detainee will either have the placement determination extended by the Superintendent, return to a placement appropriate to his or her classification, or have been formally reduced in classification to minimum security.

### **Separation remand and sentenced detainees**

Remand and sentenced detainees should be accommodated separately consistent with the *Corrections Management Act 2007*. However, scope exists for different arrangements to be made for unsentenced detainees where it is suspected, on reasonable grounds, that it is necessary to do so for the safety of the detainee or anyone else (such grounds may include protection on non association requirements and special care or management needs).

### **Placement determinations**

Placement proposals are made by the supervisor in Admissions according to established procedures and approved by the Area Manager. On any occasion that it is deemed appropriate to place an admission or return to custody directly into a minimum security environment the written approval of the Superintendent is required for this to occur. Initial approval may be obtained by telephone but must be subsequently confirmed by e-mail or in writing.

### **Higher risk detainees**

Any detainee convicted of or facing a charge of murder, or receiving a sentence with a non-parole period of 10 years or greater, will be provisionally classified at admission as maximum security. In addition any detainee assessed at admission as posing an especially high level of security or safety risk may be provisionally classified as maximum security. The Superintendent should be promptly notified of admissions provisionally classified as maximum security.

### **Fine defaulters**

In the event of an admission being in custody solely as a fine defaulter the appropriate placement will be in minimum security accommodation unless there are other factors established at admission to be present, such as offending history, intelligence available or previous sentence conduct, necessitating placement at a higher security level. A fine defaulter minimum security placement decision at admission does not require the prior approval of the Superintendent.

## **Sentence Planning Group**

### **Purpose and composition**

The Sentence Planning Group (SPG) is the primary instrument of the security classification process. It comprises three members but may, when circumstances warrant, be assisted in deliberations by other specialist staff. The group consists of the Case Management Co-ordinator, the Case Manager and the Area Manager. The Committee is chaired by the Classification Co-ordinator.

### **Sitting schedule**

SPG sittings should be scheduled to occur so as to allow security classification determinations to be made within 14 days of admission as far as is practicable. Subsequent reviews should be scheduled at intervals appropriate to the sentence length and case plan milestones but all security classifications are required to be reviewed no less frequently than annually. The *Corrections Management Act 2007* requires detainees to be held at the lowest appropriate level of security classification. Accordingly it is desirable detainees be afforded the best possible opportunity to reduce their classification in progressing through the sentence.

### **Classification review**

Reviews of classification may be undertaken in response to events or changed circumstances. A detainee may apply in writing to the Superintendent for an unscheduled classification review to be undertaken which the Superintendent may or may not approve.

### **Documentation and information requirements**

The Classification Co-ordinator assembles available documentation for the review and provides an opportunity for the other members of the group to review the documents before the sitting with the detainee. To the extent practicable, and as is appropriate in the case of the detainee under review, documentation should include the following:

- The detainee's current sentence and criminal history
- The nature of any outstanding charges
- Interstate criminal and gaol history
- Sentencing judge's comments if available (to be obtained if considered relevant)
- Appeal status
- Liability for deportation
- Pre-sentence report from Probation and Parole
- Risk of re-offending assessment results (LSIR)
- Current custody reports and assessments
- Summary of case file notes and disciplinary record

### **SPG meeting process**

The Sentence Planning Group will discuss with the detainee his or her case plan progress, ongoing needs and ambitions plus any relevant behaviour, security or safety issues. The detainee will be afforded an opportunity to provide relevant information and state a case in the process of arriving at an ongoing plan to address care in custody, reducing re-offending risks and re-integration needs.

### **Absence of detainee**

It is recognised there may be occasions where it may be necessary to conduct a Sentence Planning Group without the presence of the detainee. This will be the case if the detainee declines to attend or cannot participate meaningfully in the process due to illness or poor behaviour. A detainee may be excluded if judged to be a threat to the safety of members of the SPG. A detainee not attending his or her SPG hearing should

be afforded an opportunity to make a written submission and may receive staff assistance in doing so if necessary.

### **Recommendation criteria**

In considering their security classification recommendation the Sentence Planning Group must have regard to the nature and levels of security and safety risks potentially posed and be mindful of their obligation for ensuring the security, safety and good order of the centre, the public and the safety and well being of the detainee. The criminogenic and re-integrative program needs of the detainee, and the motivation to address offending and participate in programs and structured activity, must be subordinate to security and safety considerations.

It is essential Sentence Planning Group deliberations and recommendations be based, to the extent feasible, upon comprehensive and objective documentation relating to the background of the detainee, his or her motivation to address offending and/or participate in programs, employment and re-integrative activity, behaviour, and any other factors relating to risk mitigation. Each member of the SPG must also take the opportunity during the sitting to ask appropriate questions or seek relevant comment from the detainee regarding the range of matters relevant to making their security classification recommendation.

At the conclusion of the sitting the detainee is to be advised a recommendation will be made to the Superintendent regarding security classification and that they will be advised of the result within 14 days and given an opportunity to appeal the decision should they so wish. The SPG should then arrive at a consensus decision through discussion without the detainee being present.

### **Security Classification Approvals**

Sentence Planning Group recommendations are forwarded to the Deputy Superintendent responsible for security to note any security related issues that might affect the determination and to add his/her recommendation. Determinations will be made by the Superintendent other than in instances specified as follows:

- A detainee charged with or convicted of murder
- A detainee serving a sentence with a non parole period of 10 years or greater
- A detainee, or category of detainee, as determined by the Executive Director from time to time

In such instances the Superintendent should make a recommendation rather than a determination and forward the matter to the Executive Director for determination. Although the Superintendent may be required to make immediate placement and management decisions about a detainee to ensure security, safety and good order within the centre, changes to security classification requires formal Sentence Planning Group review and the retained detainee right of appeal against a subsequent determination.

Classification determination and review recommendations should be dealt with within 14 days of the Sentence Planning Group sitting and the detainee advised of the result within 7 days.



### **Detainee right of appeal against security classification determination**

Detainees will be formally notified of security classification determinations within 14 days of the determination being made. If not satisfied with the determination the detainee may, within 14 days, lodge a written appeal against the determination noting his or her grounds for the appeal. Additional information that may have not have been known or presented to the Sentence Planning Group, with potential to materially alter the determination, or reasoning why the determination is unsound and/or inconsistent with the facts or available evidence may be presented.

Appeals will be determined by the Superintendent, other than in instances specified above where the classification approval rests with the Executive Director. In such instances the appeal will be determined by the Executive Director. Procedural fairness and the principles of natural justice are to be taken into account in reviewing security classification determinations. Appeals are to be determined within 14 days of lodgement and the detainee advised of the result within 7 days.

### **Forms and templates**

Security Evaluation Rating Form  
Initial Remand Prisoner Security Classification Form  
Review Remand Prisoner Security Classification Form  
Initial Security Classification of a Sentenced Prisoner Form  
Security Classification Review of a Sentenced Prisoner Form

### **Related policies and procedures**

Prisoner Classification Procedure  
Admissions Procedure